

## **WEDNESDAY, JULY 22, 1981**

### **FIFTY-NINTH LEGISLATIVE DAY**

The House met at 11:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Buddy Scruggs of Knox County.

Representative Scruggs led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

### **ENROLLED BILLS**

#### **MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 22, 89 and 90; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

### **SIGNED**

The Speaker announced that he had signed the following: House Resolutions Nos. 22, 89 and 90.

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 163—Relative to commending Jere Griggs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Davis (Gibson), the resolution was concurred in.

A motion to reconsider was tabled.

Senate Joint Resolution No. 164—Relative to memorializing Donald G. Sahli.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murray, the resolution was concurred in.

A motion to reconsider was tabled.

Senate Joint Resolution No. 165—Relative to expressing sorrow, Miss Frances Doyle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Ellis, the resolution was concurred in.

A motion to reconsider was tabled.

Senate Joint Resolution No. 166—Relative to commending William Walker, III.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was concurred in.

A motion to reconsider was tabled.

Senate Joint Resolution No. 167—Relative to honoring Curtis Gentry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was concurred in.

A motion to reconsider was tabled.

Senate Joint Resolution No. 177—Relative to urging Congress, extend Voting Rights Act.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Robinson (Hamilton), the resolution was concurred in.

A motion to reconsider was tabled.

The following members asked to be recorded as voting “no” on the motion to concur in Senate Joint Resolution No. 177: Copeland, Carter, McAfee, Smith, Small, Wolfe, Severance, McNally, Frensley and Chiles.

Mr. Speaker McWherter directed that the rules be suspended for the purpose of considering the “Second Reading Calendar.”

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1396—To amend Section 49-1922, Code.

Passed second consideration and referred to Committee on Education.

House Bill No. 1397—To provide for merger, Shelby State Community College.

Passed second consideration and referred to Committee on Education.

House Bill No. 1398—To increase weight limitations, certain motor vehicles.

Mr. Wheeler moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Wheeler moved that the rules be suspended in order to place House Bill No. 1398 on the Calendar for tomorrow, which motion prevailed by the following vote:

Ayes .....	77
Noes .....	14

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Carter, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dissspayne, Duer, Duncan, Ellis, Ford, Frensey, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—77.

Representatives voting no were: Byrd, Chiles, Cobb, DeBerry, Dills, Gaia, Gill, Kernell, Martin, Moore, Pruitt, Small, Spence and Turner—14.

House Bill No. 1399—To reapportion state representative district.

Mr. McKinney moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. McKinney moved that the rules be suspended in order to place House Bill No. 1399 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1400—To require color photographs, credit cards.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1401—To amend "Certified Public Weigher Law of 1981."

Mr. Lashlee moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Lashlee moved that the rules be suspended in order to place House Bill No. 1401 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1402—To provide for highway department, Hardeman County.

## **WEDNESDAY, JULY 22, 1981—59th LEGISLATIVE DAY**

Passed second consideration and held on desk.

Mr. Stallings moved that the rules be suspended in order to place House Bill No. 1402 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1403—To make certain provisions, divorce cases.

Mr. Cobb moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Cobb moved that the rules be suspended in order to place House Bill No. 1403 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1404—To make certain provisions, divorce cases.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1405—To amend Chapter 510, Public Acts, 1981.

Mr. Davis (Gibson) moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 1405 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1406—To regulate Bradford Special School District.

Passed second consideration and held on desk.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 1406 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1407—To regulate Gibson Special School District.

Passed second consideration and held on desk.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 1407 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1408—To regulate Milan Special School District.

Passed second consideration and held on desk.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 1408 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1409—To amend Section 40-2023, Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1410—To amend Charter, Oneida.

**WEDNESDAY, JULY 22, 1981—59th LEGISLATIVE DAY**

Passed second consideration and held on desk.

Mr. Davis (Pickett) moved that the rules be suspended in order to place House Bill No. 1410 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1411—To amend Section 55-9-414, Code.

Mr. Murphy (Davidson) moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Murphy (Davidson) moved that the rules be suspended in order to place House Bill No. 1411 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1412—To regulate appointments, Higher Education Commission.

Mr. Henry (Roane) moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Henry (Roane) moved that the rules be suspended in order to place House Bill No. 1412 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1413—To amend Chapter 448, Public Acts, 1981.

Mr. Robertson moved that Rule No. 46 be suspended which motion prevailed.

Passed second consideration and held on desk.

Mr. Robertson moved that the rules be suspended in order to place House Bill No. 1413 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1414—To provide for Purchasing and Finance Commission, Rhea County.

Passed second consideration and held on desk.

Mr. Carter moved that the rules be suspended in order to place House Bill No. 1414 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1415—To provide for permits, certain vehicles.

Mr. Pickering moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Pickering moved that the rules be suspended in order to place House Bill No. 1415 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1416—To regulate Trenton Special School District.

Passed second consideration and held on desk.

Mr. Davis (Gibson) moved that the rules be suspended in order to place House Bill No. 1416 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1417—To amend Title 13, Chapter 23, Code.

Passed second consideration and referred to Committee on State and Local Government.

## **WEDNESDAY, JULY 22, 1981—59th LEGISLATIVE DAY**

House Bill No. 1418—To amend Chapter 366, Public Acts, 1981.

On motion of Mr. Spence, House Bill No. 1418 was withdrawn from the House.

House Bill No. 1419—To amend "The Massage Registration Act of 1979".

Mr. Yelton moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Yelton moved that the rules be suspended in order to place House Bill No. 1419 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1420—To increase penalty, certain degrees of burglary.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1421—To provide for certain litigation tax, Lawrence County.

Passed second consideration and held on desk.

Mr. DePriest moved that the rules be suspended in order to place House Bill No. 1421 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1422—To reapportion state senatorial districts.

Mr. Burnett moved that Rule No. 46 be suspended, which motion prevailed.

Passed second consideration and held on desk.

Mr. Burnett moved that the rules be suspended in order to place House Bill No. 1422 on the Calendar for tomorrow, which motion prevailed.

Messrs. Wallace, Crain, Dills, Naifeh, Spence and Shirley asked to be recorded as voting "no" on the above motion.

House Bill No. 1423—To require Dickson County Board of Education members be elected.

Passed second consideration and held on desk.

Mr. Work moved that the rules be suspended in order to place House Bill No. 1423 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1424—To provide for advisory referenda, Farragut.

Passed second consideration and held on desk.

Mr. Owen moved that the rules be suspended in order to place House Bill No. 1424 on the Calendar for tomorrow, which motion prevailed.

House Bill No. 1425—To regulate excise tax, corporate earnings.

Passed second consideration and referred to Committee on Finance, Ways and Means.

Mr. Rhinehart moved that the rules be suspended in order to place House Bills Nos. 1402, 1407, 1408, 1410, 1414, 1416, 1419, 1421, 1423 and 1424 (all local bills) on the Consent Calendar for tomorrow, which motion prevailed.

The Speaker announced that, under the rules, any bills objected to on the Consent Calendar would be placed at the heel of the regular Calendar for tomorrow.

The Speaker announced that the following bills will be on the regular Calendar for tomorrow: House Bills Nos. 1399, 1401, 1403, 1405, 1398, 1411, 1412, 1415 and 1422.

### FURTHER CONSIDERATION OF SENATE BILL NO. 997

Senate Bill No. 997—General Appropriations Bill.

Mr. Brewer moved that the House pass Section 12, Item 38 of Senate Bill No. 997, notwithstanding the objections of the Governor, which motion failed by the following vote:

Ayes .....	43
Noes .....	46

Representatives voting aye were: Akard, Bell (Wilson), Bragg, Brewer, Burnett, Carter, Clark (Davidson), Copeland, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Gaia, Jared, Jones, Kent, Kernell, King (Shelby), Love, McKinney, Miller, Murphy (Davidson), Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Sir, Spence, Starnes, Sterling, Wheeler, Wix, Work, Yelton and Mr. Speaker McWherter—43.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Chiles, Clark (Sumner), Crain, Davis (Gibson), Dills, Duer, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, King (Washington), Lashlee, McAfee, McNally, Martin, Montgomery, Moore, Murray, Naifeh, Percy, Robertson, Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Tanner, Ussery, Wallace, Webb, Whitson, Wolfe and Wood—46.

Mr. Cobb asked to recorded as voting "aye" on the override motion on Senate Bill No. 997.

Mr. Dills moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 280 out of order, which motion failed by the following vote:

Ayes .....	55
Noes .....	29
Present and not voting .....	5

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Ellis, Ford, Frensley, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kernell, King (Shelby), Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Shirley, Shockley, Stallings, Tanner, Turner, Wheeler, Whitson, Wix, Work, Yelton and Mr. Speaker McWherter—55.

Representatives voting no were: Baker, Bell (Knox), Bewley, Chiles, Clark (Sumner), Copeland, Duer, Harrill, Henry (Blount), Henry (Roane), Hudson, Kelley, Kent, King (Washington), McNally, Martin, Montgomery, Moore, Percy, Robinson (Hamilton), Scruggs, Severance, Smith, Stafford, Sterling, Ussery, Wallace, Webb and Wolfe—29.

Representatives present and not voting were: McAfee, Robertson, Spence, Starnes and Wood—5.

SECOND ROLL CALL

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 278—Relative to providing recess, House of Representatives—By Burnett.

Under the rules, House Joint Resolution No. 278, lies over.

NOTICE TO OVERRIDE ITEM VETO

MR. SPEAKER: In accordance with House Rule No. 77, I hereby give notice that at a later date I will move to repass Section 12, Items 38, 41 and 48 of Senate Bill No. 997, the Governor's objections to the contrary notwithstanding, as provided in Article III, Section 18 of the Constitution of Tennessee.

Representative Harper Brewer

Under the rules, the motion lies over.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

272—Relative to congratulating Terah Dobbs Bryson;

274—Relative to memory, Dr. Homer Pittard; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1316 signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*



MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1086—To amend Section 55-6-104.

The Senate adopted the Conference Committee Report No. 2 and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

168—Relative to honoring David J. Harkness;

169—Relative to memory, Hugh Miller Davis;

170—Relative to commending Wanda L. Moody;

171—Relative to honoring Miss Mary Carmack;

172—Relative to congratulating Chancellor Vernon Deal, 4th Chancellery Division;

173—Relative to commending Helen Allen;

174—Relative to congratulating Hugh E. DeLozier, Jr.;

175—Relative to memory Don Kelley, Lenoir City;

176—Relative to commending Hal Hardin; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1396—Frensley, Hillis, Kent, Sir

House Bill No. 1398—Naifeh

House Bill No. 1399—Naifeh, Robinson (Davidson), Henry (Blount), Davidson, McAfee, Pickering, Cobb, Rhinehart, Robinson (Hamilton), Percy, Jones, Harrill, Ellis, Stallings, Wix, Jared, Wood, Severance, Moore, Gill, Copeland

House Bill No. 1401—Naifeh

House Bill No. 1403—Bell (Knox)

House Bill No. 1415—Davis (Pickett)

House Bill No. 1420—Clark (Sumner)

**WEDNESDAY, JULY 22, 1981—59th LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1316; for his action.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

On motion of Mr. Burnett, the House adjourned until 10:00 a.m. tomorrow.